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REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
DOVP-1-0803 (Formerly 2370-006-08)

In re Application of: Arnold S. Lippa; Joseph W. Epstein

Application No.: 10/764,371

Filed: January 23, 2004

For: (-)-1-(3,4-Dichlorophenyl)-3-Azabicyclo[3.1.0]Hexane, Compositions Thereof, And Uses As A Dopamine-Reuptake Inhibitor

The owner*, DOV PHARMACEUTICAL INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,716,868 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney or agent of record. Reg. No. 38,515

Signature

April 4, 2006

Date

Jeffrey J. King
Typed or printed name(206)381-3300
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